IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 368 of 2005

Between:

Ch.Sathyanarayana, S/o.Venkata Rao,
Hyderabad District Cooperative Central Bank Ltd., Thandur Branch, Ranga Reddy District.

..... PETITIONER

AND

1 The General Manager, Hyderabad District Cooperative Central Bank ltd., Nampally, Hyderabad.
2 Deputy General Manager No.1, Hyderabad District Cooperative Central

Bank Ltd., Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction especially one in the nature of writ of Mandamus declaring that the action of the respondents in not releasing the increments due to the petitioner for the period of 30-10-2002, 30-10-2003 and 30-10-2004 is illegal and arbitrary violative of Article 14 and 16 of the Constitution of India and further declare that petitioner is entitled to get his increments for the above said period.

Counsel for the Petitioner: MR.M.SURENDER RAO

Counsel for the Respondents: MR.R.RADHA KRISHNA REDDY

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in not releasing his annual increments due by 30.10.2002, 30.10.2003 and 30.10.2004 as illegal and arbitrary and consequently he sought a direction for release of the said annual increments.

It is stated that the petitioner was appointed as a Supervisor in the Hyderabad District Cooperative Central Bank Ltd., on 10.10.1977. He was posted at various places and at present he is working as a Staff Assistant at Tanduru Branch, Ranga Reddy District. It is also stated that he is continuing in service without any break and he was also given 10 years and 15 years scale which are provided under the Rules. However, the grievance of the petitioner is that his annual increments due from 30.10.2002 to 30.10.2004 are not released without any communication. Hence, this writ petition.

Notice was ordered and the learned Standing Counsel appearing for the respondent-Bank was directed to get instructions as no counter

has been filed. Today, the learned Standing Counsel stated that he received para-wise remarks, as per which, certain charges were framed against the petitioner for certain alleged irregularities and enquiries so initiated are still pending. In view of the pendency of the enquiries, which were initiated in the years 2002 and 2003 and which are pending, the annual increments of the petitioner are not released. However, at the time of hearing, the learned Standing Counsel was asked whether there is any specific rule or bye-law empowering the respondent-Bank to withhold the increments on the ground that certain enquiries are pending. The learned Standing Counsel has fairly conceded that there is no such rule or bye-law.

Heard both sides and considered the material on record.

As it is stated that there is no specific rule or bye-law empowering the respondent-Bank to withhold the annual increments, the petitioner is entitled for sanction and payment of the annual increments which are due by 30.10.2002, 30.10.2003 and 30.10.2004.

In the circumstances, the respondent-Bank is directed to release the annual increments due to the petitioner from 30.10.2002 to 30.10.2004 within a period of three months without prejudice to any action that is proposed in pursuance of the pending enquiries against the petitioner.

The writ petition is accordingly disposed of. No costs.

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09.06.2005

VGB

To

1 The General Manager, Hyderabad District Cooperative Central Bank ltd., Nampally, Hyderabad.
2 Deputy General Manager No.1, Hyderabad District Cooperative Central

Bank Ltd., Nampally, Hyderabad.

3 2CD copies.